

CIVIL COURTS.

UNITED STATES COMMISSIONER'S OFFICE—APRIL 1.—Before Commissioner WHITE.
ALLEGED FORGERY IN THE HOUSE CLERK.

The defendant entered the Custom-House as a messenger and was promoted to a clerkship. It is stated on good authority that he has hitherto borne himself well, having won eight times in battle, and that he was highly recommended for a position in the Custom-House by Gens. Grant and Sherman, and other prominent men. He is charged with having taken, from out of his six entries, over \$1000 worth of checks for the month of February, and having paid or cashed the same for the month of March and already paid erased the word February, inserted March, presented them for payment, as though sent by the parties to whom they were payable, drawn on and made out to them for \$1000, and appropriated it to his own use.

An affidavit of Mr. Johnson, Assistant Auditor in the Custom-House, deposing to the above facts, was read. The Commissioner adjourned the cause until Saturday afternoon. He then brought before the Commissioner yesterday afternoon, and on being questioned, said he was not ready for an examination; that his counsel, Mr. Felt, was not present, and that he was not prepared to give bail. The examination was then adjourned, for the time being, to Saturday morning, at 10 o'clock.

Freeman Orme agt. Wm. R. Brydges.—Motion for a reference granted.

John K. Osborn agt. Alexander Boescher.—Judgment for plaintiff for \$2,900 with costs.

Before Justice GARDINER.

John Tracy agt. Isaac Jacob et al. Lawrence Muhleimer et al. agt. The Normal Petroleum Co.; Miller D. Powers et al. agt. James A. Crossley, The Stevenger Ins. Co. agt. Alexander M. C. Smith; James Murray agt. The Hough & Co. Co.; John C. Hough et al. agt. David S. Orth agt. Ellen Sutton et al.—Motion denied, with \$10 costs to abide event.

Same agt. Same.—Motion for a commission paid, stay of proceedings for 20 days; \$100 to abide event.

Josephine Larch agt. The Commercial General Transportation—Motion for a new trial denied, with \$10 costs.

Freeman Orme agt. Wm. R. Brydges.—Motion for a reference granted.

John K. Osborn agt. Alexander Boescher.—Judgment for plaintiff for \$2,900 with costs.

COURT OF APPEALS—APRIL 1.

RAILROAD LIABILITIES—TESTIMONY OF HUSBAND AND WIFE FOR AND AGAINST THE OTHER SIDE.

Assisted by Mr. Tracy et al. The cause is adjourned.

The plaintiff, Ellen G. Murraywick, on the 15th day of January, 1859, was a passenger in one of the defendants' cars, on the road in the City of New-York, going up town. The car was full, and the conductor had several passengers who were seated in front of her. In the rear, for several blocks below Thirty-second-street, the car was followed by a hook-and-ladder truck and apparatus running to a fire. For a block or two below that street, the truck was run in the rear of the truck, which was running to a fire. At the rear of the truck, the car was overtaking the car. When the car reached Thirty-second-street, the apparatus being about 15 or 20 feet off, and as another car was running down on one side and a truck load was running away on the other, the driver, without giving the signal of the person in charge of the apparatus to go on, suddenly stopped the car. He told Mrs. Murraywick to "come on," put his hands on her shoulders, and hurried her out as fast as she could run, when she saw that the truck was running to a fire. Mrs. Murraywick, who was severely injured in the breast, and her right hand crushed so as to require removal of the little finger and a portion of one of the bones of the palm.

In the trial in the Court of Common Pleas, the husband testified on behalf of the plaintiff. The jury gave a verdict for the plaintiff for \$1000. The defendants appealed. It is claimed by the appellants that their husband was an innocent party, and that he, a mere spectator, was not bound to interfere with the rights of the wife, and not being called to testify to any matter at issue on his own behalf, but solely to sustain the claim for the wife.

It is also claimed that in the case was who caused the injury. And this by the failure of the Court to charge the jury that the defendant who caused the injury could be liable to the plaintiff, notwithstanding his relation to the other plaintiff; that if the defendant's negligence caused the accident, even though a third party's negligence was also involved, the action being for the benefit of the wife, and not being called to testify to any matter at issue on his own behalf, but solely to sustain the claim for the wife.

The trial in the Court of Appeals will be adjourned until Saturday morning, April 15, 1867, in the cause of private business and duty; and to the date of the trial of the cause, the court will be adjourned, and the trial will be adjourned until Saturday morning, April 15, 1867, in the cause of private business and duty.

The soldier was brought up under guard by Lieut. Horace Blinney, 26th Infantry.

"The recruit" set forth that the soldier had been duly examined and found qualified for service, and had given his service for the army; that he had been duly examined and found able-bodied; that he had made the usual declaration as to his age required by the Act of Congress, Feb. 13, 1862, which was conclusive in evidence, and had been examined by the surgeon, and particularly by that court, Feb. 18, 1867, in the cause of private Conley and Judd; and that the sole object of the petitioner was by application to the War Department, to have the records of the General Government without preventing the soldier's discharge, if entitled to its proper physical evidence and returning of bounty allowances, &c.

To the return was made, by which it was held that the soldier had been duly examined and found able-bodied, and had taken the oath of enlistment before Brewster Capt. Lemuel Pettes, U. S. Army, and was examined by Brewster Capt. Lemuel Pettes, U. S. Army, and found to be free from all bodily defects and mental infirmity.

Petitioner's cause objected to the validity of the original paper, and to the fact that the soldier was not examined by a surgeon of the army, and that he had not been examined and found able-bodied; that he had made the usual declaration as to his age required by the Act of Congress, Feb. 13, 1862, which was conclusive in evidence, and had been examined by the surgeon, and particularly by that court, Feb. 18, 1867, in the cause of private Conley and Judd; and that the sole object of the petitioner was by application to the War Department, to have the records of the General Government without preventing the soldier's discharge, if entitled to its proper physical evidence and returning of bounty allowances, &c.

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